

UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF NEW YORK

-----X MDL No. 1720  
05-MD-1720 (MKB) (JO)

IN RE PAYMENT CARD INTERCHANGE  
FEE AND MERCHANT DISCOUNT  
ANTITRUST LITIGATION

**DECLARATION OF  
BRIAN D. GRAIFMAN, ESQ.  
FOR CLAIMS COMPENSATION  
BUREAU, LLC**

This Document Relates To All Class Actions

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Brian D. Graifman declares under penalty of perjury pursuant to 28 U.S.C. 1746 as follows:

1. I am counsel for non-party Claims Compensation Bureau, LLC (“CCB”). I submit this Declaration based upon my personal knowledge in support of CCB’s motion for:

(i) an indicative ruling pursuant to Rule 62.1 of the Federal Rules of Civil Procedure (FRCP) that this Court on interim remand from the Second Circuit would vacate or modify the injunctive orders (Oct. 3, 2014 (Doc. 6349) and docket order of Nov. 5, 2014) as to CCB, and/or supplement the evidentiary record by including this motion;

(ii) an order, on remand, vacating or modifying the injunctive orders as to CCB, pursuant to FRCP 60(b)(1), (2) & (6), and/or allowing an enhanced evidentiary record for consideration on appeal; and

(iii) an immediate temporary stay of the injunctive orders as to CCB pursuant to FRCP 62(c) pending a determination on this motion and CCB’s appeal.

2. I submit as exhibits in support of this motion the following documents from this case:

## **Exhibit**

- A** Doc. 6349, Memorandum and Order Containing Permanent Injunction (Oct. 3, 2014);
- B** Docket-entry Order (Nov. 5, 2014) modifying the injunction;
- C** Doc. 6088, Letter of Class Counsel (Robbins, Geller, Rudman & Dowd) to Judge Gleeson (Nov. 16, 2013) with exhibits thereto;
- D** Doc. 6127, Class Counsel's Motion for a Prospective Order Concerning Misleading Third-Party Claims Filing Services (Dec. 12, 2013);
- E** Doc. 6137, Order granting preliminary injunction (Dec. 20, 2013);
- F** Doc. 6147, Order modifying preliminary injunction (Dec. 30, 2013);
- G** Doc. 6185, Transcript of proceedings (Jan. 10, 2014);
- H** Doc. 6193, Order (Jan. 13, 2014);
- I** Doc. 6233, Letter of CCB counsel Howard B. Sirota, Esq. (Feb. 7, 2014);
- J** Docket-entry Order (Feb. 25, 2014);
- K** Doc. 6300, Class Counsel's Proposed Communications Regarding Third-Party Claims Filing Companies (Apr. 14, 2014);
- L** Doc. 6318, Letter-opposition of CCB counsel Howard B. Sirota, Esq. (May 2, 2014, filed May 8, 2014);
- M** Doc. 6319, Class Counsel's reply (May 12, 2014);
- N** Transcript of May 30, 2014 oral argument;<sup>1</sup>
- O** Doc. 6350, Letter of Class Counsel (Oct. 14, 2014);
- P** Doc. 6351, CCB Notice of Appeal of Oct. 3, 2014 order (Nov. 3, 2014);
- Q** Doc. 6356, CCB Notice of Appeal of Nov. 5, 2014 docket-sheet order (Dec. 3, 2014);
- R** Doc. 6358, CCB Amended Notice of Appeal of Nov. 5, 2014 docket-sheet order (Dec. 8, 2014);

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<sup>1</sup> The May 30, 2014 transcript is to be released on the docket sheet on March 30, 2014 (Doc. 6361).

- S** Docket sheet of Second Circuit Docket No. 14-4121(L) (2d Cir.) as of Jan. 14, 2015;
- T** Order of Second Circuit (Docket No. 14-4121) setting February 17, 2015 as date for appellant's brief (Appeal Doc. 27, Nov. 26, 2014);
- U** Doc. 1656-1, Plan of Administration & Distribution (Oct. 19, 2012);
- V** Doc. 2112-1, Additional Information Concerning the Plan of Distribution & Administration (Apr. 11, 2013).

2. I also submit, as **Exhibit W** hereto, from the prior Visa Check/MasterMoney Antitrust Litigation, Docket No. 96-cv-5238 (E.D.N.Y.), the Affidavit of Neil L. Zola, sworn to and filed on June 8, 2009 (without exhibits), ECF Doc. 1486.

Dated: January 23, 2015  
New York, New York

/s/ Brian Graifman  
BRIAN D. GRAIFMAN